

September 21, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L98P0039**
Proposed Ordinance No. **1999-0448**

VINTAGE HILLS, DIVISION 5
Preliminary Plat Application

Location: Generally located between the proposed streets of Southeast 301st Street and Southeast 302nd Place at the extension of 130th Avenue (situated southwest of Duberry Hill, Division I, and east of The Ridge at Willow Park, Division II).

**Owner/
Applicant:** Brian Ross
Vintage Hills, LLC
7947 159th Place Northeast, Ste 102
Redmond, WA 98052

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions (modified)
Examiner's Decision:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted:	October 5, 1998
Complete application:	November 18, 1998

EXAMINER PROCEEDINGS:

Hearing Opened:	9:30 AM, September 14, 1999
-----------------	-----------------------------

Hearing Closed:

10:00 AM, September 14, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Recreation area
- Road frontage improvements
- Surface water drainage

SUMMARY:

Subdivision of 6.1 acres into 21 lots approved, subject to conditions.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: Brian Ross
Vintage Hills, LLC.
7947 159th Place NE, Suite 102
Redmond, WA 98052

Engineer: Shupe Holmberg
Baima & Holmberg, Inc.
100 Front Street South
Issaquah, WA 98027

STR: SW/ SE 04-21-05

Location: The project is located between the proposed streets of SE 301st Street and SE 302nd Place at the extension of 130th Avenue SE (Situated southwest of Duberry Hill Division I, and east of The Ridge at Willow Park Division II.)

Zoning: R4-P
Acreage: 6.11 Acres
Number of Lots: 21 Lots
Density: Approximately 3.5 dwelling units per acre
Lot Size: Ranges from approximately 5,400 to 35,500 square feet.
Proposed Use: Detached Single Family Residences

Sewage Disposal: City of Auburn
Water Supply: City of Auburn
Fire District: District No. 44
School District: Auburn School District
Complete
Application Date: November 18, 1998

2. Except as modified below, the facts set forth in the King County Land Use Service Division's preliminary report to the King County Hearing Examiner for the September 14, 1999, public hearing, as corrected by Exhibit No. 11, are incorporated herein by this reference. The preliminary report to the Hearing Examiner is Exhibit No. 2 in the hearing record.
3. The frontage of the proposed subdivision on Southeast 304th Street is the south boundary of a 30-foot wide strip of land, that extends from Southeast 302nd Place to Southeast 304th Street. At 304th Street, this 30 feet of frontage lies opposite, but is partially offset from, 130th Avenue Southeast as it extends to the south. Until adjacent properties are developed north and south of Southeast 304th Street, the appropriate improvements, including radii, for the subject property's frontage on Southeast 304th Street are not known. Therefore, to require improvements at this time would not be a reasonable condition for final approval of the plat of Vintage Hills, Division 5.
4. To the extent feasible, it would be desirable to widen the panhandle of recreation Tract A (the recreation area) as it extends to Southeast 301st Street. This may be accomplished through coordination of the final plat design of the subject property with that of the adjacent plat to the west, Duberry Hill. Any such modifications would be minor adjustments within the discretion of DDES to review and approve.
5. The Tract A recreation area is coordinated with recreation areas being dedicated in the adjacent plats to the west, north and east, and will be developed as an integrated whole.

CONCLUSIONS:

1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Soos Creek Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.

4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed subdivision of Vintage Hills Division 5, as revised and received March 10, 1999, is granted preliminary approval subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication, which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.

- c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application for any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."

- d. Core Requirement No. 1: Discharge at the Natural Location.

The applicant has received approval for the requested diversion of surface water within the project, use of an off-site facility and to use the 1990 King County Surface Water Design Manual's requirements for Vintage Hill V's contribution to the shared drainage facility (See Adjustment File L98V0151). The conditions for adjustment approval shall be satisfied during design and review of the project engineering plans.

- e. Core Requirement No. 3: Runoff Control.

Storm water runoff control shall be provided using design standards as specified in the Soos Creek Basin Plan, BW-2c: "Onsite Detention Standards – Soosette Increased Detention Standard." This standard requires detention facilities to release all flows up to the 100-year peak flow at 70% of the pre-developed 2-year flow (SBUH 24-hour).

As specified in section 4.5 of the 1990 SWM Manual, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable. Infiltration of storm water for both lot areas and roadway improvements is recommended if determined to be feasible. A geotechnical report shall be provided to evaluate soil conditions, seasonal depth to groundwater, and other design requirements as outlined in the SWM Manual.

8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

- a. SE 301st Street and SE 302nd Place shall be improved as urban subcollectors. The internal street shall be improved as an urban subaccess street.
- b. Tract E shall become a panhandle of lot 19. Tract D shall be improved as a private joint use driveway that serves a maximum of two lots. The serving lots shall have undivided ownership of the tract and be responsible for its maintenance and a note to this effect shall be shown on the engineering plans and the final plat. As specified in KCRS 3.01C, improvements shall include an 18 foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
- c. Tract B shall be designed as a private access tract serving proposed lots 16-19 and be

aligned with the centerline of the internal access street. These lots shall have undivided ownership of the tract and be responsible for its maintenance and a note to this effect shall be shown on the engineering plans and the final plat. Improvements shall conform to KCRS 2.03 for urban minor access roads which include 22 feet of paving. The minimum tract width shall be 26 feet with a maximum length of 150 feet. Curb radii shall not be provided from Tract B to SE 301st Street.

- d. Tract C shall be converted from a 30-foot access easement to public road right-of-way, including a 25-foot radius to SE 302nd Place. No improvements are required within this right-of-way. The existing driveway shall be removed or barricaded as determined by DDES.
 - e. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
 - f. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
- 9. Prior to final plat approval, the existing utility and road easements shall be vacated.
 - 10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 - 11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 - 12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
 - 13. There shall be no direct vehicular access to or from SE 304th Street from the area identified as "Tract C" until such time as improvements are constructed within this right of way and are approved by King County. A note to this effect shall appear on the engineering plans and final plat.
 - 14. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table, benches, etc.).

- a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
15. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space area.
16. Street trees shall be provided as follows:
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along SE 301st Street, SE 302nd Place, and the public north/south internal street connecting the two. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the

trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

- h. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 21st day of September, 1999.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 21st day of September, 1999, to the following parties and interested persons:

Roger Dorstad
Joe & Lynn Drazich
Ralph Hipple
Shupe Holmberg
King County Envir Health Division
Lester N. Knutson
Linda Matlock
Eleanor Moon
Brian Ross
Scott Salinas
Paula Thrush

Mark Bergam
Greg Borba
Kim Claussen
Nick Gillen
Kristen Langley
Aileen McManus
Carol Rogers
Steven C. Townsend
James Weaver
Larry West

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before October 5, 1999**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before October 12, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient

if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE SEPTEMBER 14, 1999, PUBLIC HEARING ON DDES FILE NO. L98P0039 - VINTAGE HILLS, DIVISION 5.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the proceeding were James Weaver and Mark Bergam, representing the County; and, Shupe Holmberg.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L98P0039
- Exhibit No. 2 Department of Development and Environmental Services preliminary report dated September 14, 1999
- Exhibit No. 3 Application dated October 5, 1998
- Exhibit No. 4 Environmental checklist dated February 26, 1999
- Exhibit No. 5 Mitigated Declaration of Nonsignificance dated August 10, 1999
- Exhibit No. 6 Affidavit of Posting indicating November 25, 1998, as date of posting and November 30, 1998, as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Site plan dated March 10, 1999
- Exhibit No. 8 Land use map Kroll 709E
- Exhibit No. 9 Assessors maps 4-21-5, 9-21-5
- Exhibit No. 10 Tree and 15% slope map dated February 26, 1999
- Exhibit No. 11 Corrections to staff report
- Exhibit No. 12 Site (and adjoining properties) plan (colorized)

JNOC:daz

Plats\L98P0039 rpt